IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

Bail Appl..No. 3732 of 2007()

CRIME NO.146/2007 OF PAYANGADI POLICE STATION

.....

PETITIONER/ACCUSED

---

1. DOMINIC.P, S/O GABRIYAL,
   AGED 60 YEARS, PANAYAN HOUSE,
   MATTOOL P.O., KANNUR.

2. SEBASTIAN.P., S/O GABRIYAL,
   AGED 50 YEARS, PANAYAN HOUSE,
   MATTOOL P.O, KANNUR DISTRICT.

3. PIYOOS.P., S/O GABRIYAL,
   AGED 48 YEARS, PANAYAN HOUSE,
   MATTOOL P.O., KANNUR.

4. VINU.P., S/O DOMINIC, AGED 33 YEARS,
   PANAYAN HOUSE, MATTOOL P.O., KANNUR.

BY ADV. SRI.P.M.PAREETH

RESPONDENTS:

STATE OF KERALA REPRESENTED BY STATION
HOUSE OFFICER, PAYANGADI POLICE STATION THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.3732 of 2007

Dated this the 25th day of June 2007

O R D E R

Application for anticipatory bail. The petitioners are four in number. They have allegedly committed the offence punishable inter alia under Section 452 I.P.C. That is the only non-bailable offence alleged against the petitioners now. In the F.I.R, there is no allegation of commission of any non-bailable offence raised. Incident had taken place on 30/4/2007. The crime was registered showing non-bailable offence on 15/5/2007. Subsequently the police, after investigation, have included the crime under Section 452 I.P.C. Investigation is in progress. According to the petitioners, there is a counter case also. They contend that the allegations are totally false and raised with vexatious intent belatedly. It is prayed that anticipatory bail may be granted to the petitioners. The learned Public Prosecutor submits that in the facts and circumstances of this case, prosecution does not want to oppose the application for anticipatory bail. Appropriate conditions which shall secure the interests of a fair, proper and expeditious investigation may be imposed, submits the learned Public Prosecutor.

2. I am satisfied, in the facts and circumstances of this case that anticipatory bail can be granted to the petitioners. This petition

is accordingly allowed. The following directions are issued under Section 438 Cr.P.C.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 02/07/2007. They shall be released on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 1 p.m on 03/07/2007 and thereafter as and when directed by the investigating officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 02/07/2007, they shall be released on bail on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 02/07/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007